

§ 20.101

33 CFR Ch. I (7–1–15 Edition)

SOURCE: CGD 98–3472, 64 FR 28062, May 24, 1999, unless otherwise noted.

Subpart A—General

§ 20.101 Scope.

Except as otherwise noted, the rules of practice, procedure, and evidence in this part apply to the following subjects of administrative proceedings before the United States Coast Guard:

(a) Class II civil penalties assessed under subsection 311(b) of the Federal Water Pollution Control Act (33 U.S.C. 1321(b)(6)).

(b) Class II civil penalties assessed under section 109 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9609(b)).

(c) Suspensions and revocations conducted under 46 U.S.C. Chapter 77.

§ 20.102 Definitions.

Administrative Law Judge or ALJ means any person designated by the Commandant under paragraph 556(b)(3) of the Administrative Procedure Act (APA) (5 U.S.C. 556(b)(3)) to conduct hearings arising under 33 U.S.C. 1321(b); 42 U.S.C. 9609(b); or 46 U.S.C. Chapter 77.

Chief Administrative Law Judge or Chief ALJ means the Administrative Law Judge appointed as the Chief Administrative Law Judge of the Coast Guard by the Commandant.

Class II Civil penalty proceeding means a trial-type proceeding for the assessment of a civil penalty that affords an opportunity for an oral, fact-finding hearing before an ALJ.

Coast Guard Representative means an official of the Coast Guard designated to prosecute an administrative proceeding.

Commandant means the Commandant of the Coast Guard. It includes the Vice-Commandant of the Coast Guard acting on behalf of the Commandant in any matter.

Complaint means a document issued by a Coast Guard representative alleging a violation for which a penalty may be administratively assessed under 33 U.S.C. 1321(b) or 42 U.S.C. 9609(b), or a merchant mariner credential, mariner's license, certificate of registry, or

document suspended or revoked under 46 U.S.C. 7703 or 7704.

Credential means any or all of the following:

- (1) Merchant mariner's document.
- (2) Merchant mariner's license.
- (3) STCW endorsement.
- (4) Certificate of registry.
- (5) Merchant mariner credential.

Hearing Docket Clerk means an employee of the Office of the Chief ALJ who is responsible for receiving documents, determining their completeness and legibility, and distributing them to ALJs and others, as required by this part.

Interested person means a person who, as allowed in § 20.404, files written comments on a proposed assessment of a class II civil penalty or files written notice of intent to present evidence in any such hearing held on the proposed assessment.

Mail means first-class, certified, or registered matter sent by the Postal Service, or matter sent by an express-courier service.

Merchant mariner credential or MMC means the credential issued by the Coast Guard under 46 CFR part 10. It combines the individual merchant mariner's document, license, and certificate of registry enumerated in 46 U.S.C. subtitle II part E as well as the STCW endorsement into a single credential that serves as the mariner's qualification document, certificate of identification, and certificate of service.

Motion means a request for an order or ruling from an ALJ.

Party means a respondent or the Coast Guard.

Person means an individual, a partnership, a corporation, an association, a public or private organization, or a governmental agency.

Personal delivery means delivery by hand or in person, or through use of a contract service or an express-courier service. It does not include use of governmental interoffice mail.

Pleading means a complaint, an answer, and any amendment to such document permitted under this part.

Respondent means a person charged with a violation in a complaint issued under this part.